

**CONFIDENTIAL COURT SUBMISSION - FILED UNDER SEAL**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EVERYTOWN FOR GUN SAFETY  
ACTION FUND, INC.,

Plaintiff

V.

DEFCAD, INC.; ODYSEE USER  
XYEEZYSZN; DEFCAD USER  
XYEEZYSZN; ODYSEE USER  
THEGATALOG-  
PRINTABLEMAGAZINES; THE  
GATALOG; DEFCAD USER  
FREEMAN1337; TWITTER USER  
XYEEZYSZN; PHILLIP ROYSTER.

Civil Action No. 1:21-cv-08704-PGG-RWL

## Defendants

**DECLARATION OF DEFENDANT THE GATALOG IN  
SUPPORT OF MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION OR IN THE ALTERNATIVE TO  
TRANSFER TO THE WESTERN DISTRICT OF TEXAS**

1. My name is [REDACTED]. My address is [REDACTED].

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2. I am over the age of 18, have personal knowledge of the facts and events referred to in this Declaration, and am competent to testify to the matters stated below.

3. I am the owner of the website named in this lawsuit as the anonymous Defendant The Gatalog.

4. All of the facts and statements made herein are within my personal knowledge. I make this Declaration in support of Defendants' motion to dismiss for lack of personal jurisdiction or in the alternative to transfer to the Western District of Texas.

5. My web domain, TheGatalog.com, hosts a website which serves as an index with links to various accounts owned by other people that host 3-D printable firearm parts related computer files.

6. The word "Gatalog" is a term shared by a community of thousands of on-line persons who share an interest in 3-D printable firearm related computer files. I do not own any proprietary interest in the word. Anyone can use the word in their on-line presence, and many people do. I have no ownership or control over the activities of those people.

7. TheGatalog.com does not host and at all times relevant to this lawsuit has never hosted any 3-D printable firearms related computer files on the site or on its server.

8. I am aware that the Plaintiff has named as a defendant in this lawsuit a party called ODYSSEY USER THEGATALOG-PRINTABLEMAGAZINES. That account is one of the many accounts my

website, TheGatalog.com, contains a link to. That account is an account with a whole different website called Odysee. I do not own and have never owned that account. I do not use and have never used that account. I do not have access, and I have never had access to log in to that account. None of the files that account hosts belong to me or have ever belonged to me. None of the files that account hosts or has hosted were created or uploaded by me. None of the files that account hosts or has hosted were upload through my website TheGatalog.com. A person with an Odysee user account cannot upload a file to Odysee through my website TheGatalog.com. I do not now know nor have I ever known who owns or uses the Odysee account THEGATALOG-PRINTABLEMAGAZINES.

9. My website contains links to other websites that I do not own or control, much like this Court's COVID-19 response page at <https://www.nysd.uscourts.gov/covid-19-coronavirus> contains a link to a webpage of the United States Centers for Disease Control at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. Any website can include a link to any other website regardless of ownership or control.

10. Seeing Everytown's own name on exactly those items they so aggressively try to destroy sends the perfect political message about their terribly wrong and harmful policies. It is hard to imagine a technique more

powerful than parody and satire to send such an important message to such a harmful organization. And the very fact that they have brought this lawsuit, shows that the parody has worked and has really hit home. This kind of mockery communicates a powerful message indeed.

11. I believe that anonymity is important because it provides protection from retaliation and vindictive behavior as a result of unfavored and unpopular viewpoints.

12. I do not live or work and have never lived or worked in the State of New York.

13. I do not conduct business and have never conducted business in or with anyone in the State of New York.

14. I have no offices, employees, or agents in New York.

15. I have never paid taxes in New York.

16. I do not own use or possess any real or personal property in New York.

17. I have no bank accounts in New York.

18. I have never sent any files as alleged in the Complaint or Amended Complaint to anyone in the State of New York.

19. I have made a special and limited appearance in this case to contest jurisdiction and venue and also to address, as an emergency matter,

this court's November 5, 2021 Order to Show cause which authorizes expedited discovery calculated to enable the Plaintiff to learn my true identity, as well as certain other orders of the court from which I need to defend myself.

20. I consent to jurisdiction and venue in this lawsuit only in the United States District Court for the Western District of Texas.

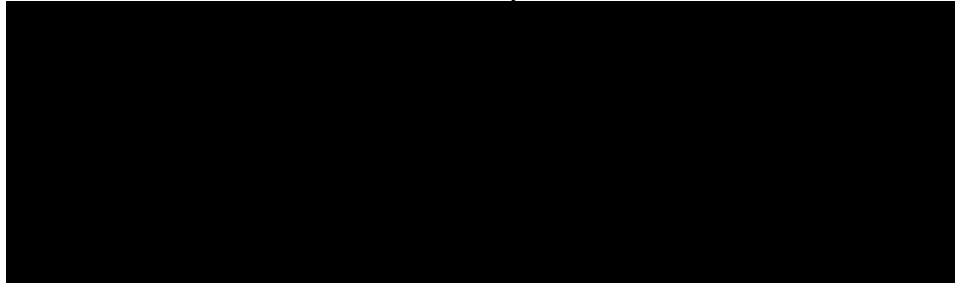
21. I have disclosed to my attorneys my true identity.

22. I further agree to be bound by and comply with the orders of whichever federal court is ultimately found to have proper jurisdiction and venue and which ends up hearing this case after all avenues of appeal and review have been exhausted. Therefore, there is no need to learn my true identity in order to litigate this matter.

23. I am submitting this declaration containing my true identity under seal and pursuant to a protective order in this matter in order to comply with other orders of the court and in order to fully protect my rights, but I still maintain my objection to the exercise of personal jurisdiction over me by this court, and I object to venue in this district. Further, I still claim the right to remain anonymous in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States.

A large black rectangular redaction box covering the signature area. A small handwritten mark is visible above the top-left corner of the box.

Dated: June \_15\_, 2022